

App. No. 09/537,948  
Art Unit: 2644

Docket No. 1999-0104

### REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

By this amendment, claims 1-15 are pending, claims 4, 5, 7 and 10 are amended and claims 13-15 are added.

#### Rejection of Claims 1, 4, 5, 7 and 10

On page 2 of the non-Final Office Action of February 24, 2005, the Examiner rejected claims 1, 4, 5, 7 and 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,370,507 to Grill et al. ("Grill"), in view of U.S. Patent No. 5,075,619 to Said, and further in view of U.S. Patent No. 5,128,623 to Gilmore. Applicant respectfully traverses the rejection. The amendments to claims 4 and 7 broaden the scope of the claims. The amendments to claims 5 and 10 improve the form of the claims and do not narrow the scope of the claims.

Independent claim 1 is directed to a method of deploying filters for use in processing audio signals. The method includes, among other things, determining a distance between coefficients of filters in adjacent frequency bands.

On page 2 of the Office Action, the Examiner admitted that Grill does not disclose or suggest determining a distance between coefficients. The Examiner then asserted that Said teaches the use of a filter bank and that it is inherent that that the filters are calculated beforehand (Office Action at page 2). Next, the Examiner relied on Gilmore and asserted that Gilmore teaches substitution of one bandpass filter for a plurality of bandpass filters (Office Action at page 2). On page 2 of the Office Action, the Examiner alleged that Gilmore indirectly teaches merging the filters with a shortest distance by combining all filters in the filter bank into one bandpass filter. Applicant disagrees.

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Gilmore, as well as Grill and Said, are completely silent regarding determining a distance between coefficients of filters in adjacent frequency bands. Because Gilmore discloses merging all filters in a group of filters into one single filter regardless of a distance between coefficients, there is no need to determine a distance between coefficients of filters in adjacent frequency bands. Therefore, there is no disclosure or suggestion by Gilmore of determining a distance between coefficients of filters in adjacent frequency bands, as required by claim 1. Further, Applicant submits that Grill, Said and Gilmore do not disclose or suggest, either separately or in any combination determining a distance between coefficients of filters in adjacent frequency bands, as required by claim 1. Therefore, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Further, Applicant wishes to point out that the Examiner failed to allege that determining a distance between coefficients of filters in adjacent frequency bands, as required by claim 1, is disclosed or suggested by the cited references.

Claim 4 depends from claim 1 and is patentable over Grill, Said and Gilmore for at least the reasons discussed with respect to claim 1. Therefore, Applicant respectfully requests that the rejection of claim 4 be withdrawn.

Independent claim 5 recites, among other things, comparing coefficients of filters in adjacent frequency bands to identify a pair of filters with a shortest Euclidean distance between coefficients. Applicant submits that this feature is similar to the previously discussed feature of claim 1 and is patentable over Grill, Said and Gilmore for reasons similar to those discussed with respect to claim 1. Therefore, Applicant respectfully requests that the rejection of claim 5 be withdrawn.

Claim 7 depends from claim 5 and is patentable over Grill, Said and Gilmore for at least the reasons discussed with respect to claim 5. Therefore, Applicant respectfully requests that the rejection of claim 7 be withdrawn.

Claim 10 recites, among other things, calculating a second Euclidean distance

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between coefficients of a first filter and coefficients of a second filter. Applicants submit that Grill and Gilmore are completely silent regarding any disclosure or suggestion of calculating a second Euclidean distance between the coefficients of the first filter and the coefficients of a second filter, as required by claim 10.

On page 4 of the Office Action, the Examiner admitted that Said does not disclose or suggest a method of calculating a distance. However, the Examiner alleged that calculating a distance is obvious to one skilled in the art because it is the basic measure of error. Applicant respectfully disagrees.

A distance between a calculated or estimated answer and a true value of an answer can be a measure of an amount of error. However, calculating distance, in general, is not a basic measure of error. For example, calculating a second Euclidean distance between the coefficients of the first filter and coefficients of the second filter measures the difference between the coefficients and is thus, a measure of how similar or how different the filters are, and not a basic measure of error.

For at least the reasons discussed above, Applicant submits that claim 10 is patentable over Grill, Said and Gilmore and respectfully requests that the rejection of claim 10 be withdrawn.

### Rejection of Claims 2 and 11

On page 4 of the Office Action, the Examiner rejected claims 2 and 11 under 35 U.S.C. 103(a) as allegedly being unpatentable over Grill, Said and Gilmore, and further in view of U.S. Patent No. 6,456,963 to Araki. Applicant respectfully traverse the rejection.

Claims 2 and 11 depend from claims 1 and 10, respectively, and are patentable over Grill, Said and Gilmore for at least the reasons discussed above with respect to claims 1 and 10. Araki fails to satisfy the deficiencies of Grill, Said and Gilmore. Therefore, Applicant respectfully requests that the rejection of claims 2 and 11 be withdrawn.

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**Rejection of Claims 3, 6 and 12**

On page 5 of the Office Action, the Examiner rejected claims 3, 6 and 12 under 35 U.S.C. 103(a) as allegedly being unpatentable over Grill, Said and Gilmore, and further in view of U.S. Patent No. 4,720,802 to Damoulakis et al. ("Damoulakis"). Applicant traverses the rejection.

Claims 3, 6 and 12 depend from claims 1, 5 and 10, respectively, and are patentable over Grill, Said and Gilmore for at least the reasons discussed above with respect to claims 1, 5 and 10. Damoulakis fails to satisfy the deficiencies of Grill, Said and Gilmore. Therefore, Applicant respectfully requests that the rejection of claims 3, 6 and 12 be withdrawn.

**Rejection of Claims 8 and 9**

On page 6 of the Office Action, the Examiner rejected claims 8 and 9 under 35 U.S.C. 103(a) as allegedly being unpatentable over Grill, Said and Gilmore, and further in view of U.S. Patent No. 3,568,144 to Streb. Applicant traverses the rejection.

Claim 8 depends from claim 5 and is patentable over Grill, Said and Gilmore for at least the reasons discussed above with respect to claim 5. Applicant submits that Streb also fails to satisfy the deficiencies of Grill, Said and Gilmore. Further, the Examiner admitted on page 6 of the Office Action that Streb fails to disclose or suggest determining a distance between filter coefficients.

For at least the reasons discussed above, Applicant submits that claim 8 is patentable over Grill, Said, Gilmore and Streb and respectfully requests that the rejection of claim 8 be withdrawn.

Claim 9 depends from claim 8 and is patentable over Grill, Said, Gilmore and Streb for at least the reasons discussed above with respect to claim 8. Therefore, Applicant respectfully requests that the rejection of claim 9 be withdrawn.

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**New Claims 13-15**

New claims 13 and 14 depend from claims 10 and 1, respectively, and are patentable for at least the reasons discussed with respect to claims 10 and 1.

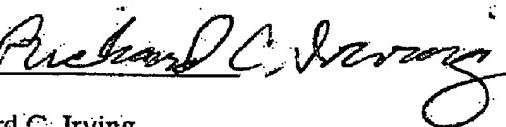
New claim 15 has features similar to claim 10 and is patentable at least for reasons similar to those discussed with respect to claim 10.

**CONCLUSION**

Having addressed all rejections, Applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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